

Panaji, 5th April, 1973 (Chaitra 15, 1895)

SERIES I No. 1

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Law and Judicial Department

Notification

LD/1047/73

The following two notifications received from the Government of India, Ministry of Labour and Rehabilitation (Department of Labour and Employment) New Delhi, are hereby published for general information of the Public.

M. S. Borkar, Under Secretary (Law).

Panaji, 15th March, 1973.

GOVERNMENT OF INDIA

(BHARAT SARKAR)

MINISTRY OF LABOUR AND REHABILITATION

(SHRAM AUR PUNARVAS MANTRALAYA)

(Department of Labour and Employment)

(Shram Aur Rozgar Vibhag)

Notification

Dated New Delhi, Pin-110001 the 9th January, 1973
Pausa, 1894 SE

G. S. R. — In exercise of the powers conferred by section 5, read with sub-section (1) of section 7 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952) the Central Government hereby makes the following Scheme further to amend the Employees' Provident Funds Scheme, 1952 namely: —

1. This Scheme may be called the Employees' Provident Funds (First Amendment) Scheme, 1973.

2. In the Employees' Provident Funds Scheme, 1952 after clause (d) of sub-paragraph (1) of paragraph 69, the following clause shall be added, namely.

“(dd) On termination of service under a voluntary scheme of retirement framed by the employer and the employees under a mutual agreement specifying inter-alia that notwithstanding the provisions contained in sub-clause

(a) of clause (oo) of section 2 of the Industrial Disputes Act, 1947, excluding voluntary retirements from the scope of definition of “retrenchment” such voluntary retirements shall for the purpose be treated as retrenchments by mutual consent of the parties”.

(S. 70012/3/72-PF.II)

Sd./-

DALJIT SINGH
Under Secretary

Notification

New Delhi, the 16th December, 1972

G. S. R. — In exercise of the powers conferred by rule 75 of the Contract Labour (Regulation and Abolition) Central Rules, 1971 an abstract of the Contract Labour (Regulation and Abolition) Act 1970 and the Contract Labour (Regulation and Abolition) Central Rules, 1971 is hereby notified:

Abstract of the Contract Labour (Regulation and Abolition) Act, 1970 and the Contract Labour (Regulation and Abolition) Central Rules, 1971.

I. Extent of the Act:

The Act extends to the whole of India.

The Act does not take away the rights/benefits of any workmen who by terms of any agreement or contract or Standing Orders are enjoying or can obtain or are entitled to more favourable and conditions of service or from entering into such agreements etc., entitling them to more favourable benefits than provided under the Act.

II. To whom the Act applies:

The Act applies to every establishment in which 20 or more workmen are employed or were employed on any day of the preceding 12 months as Contract Labour and to every Contractor who employs or who employed on any day of the preceding 12 months, 20 or more workmen.

The establishments in which intermittent or casual work is performed do not come within the purview of the Act. However, an establishment wherein work is performed for 120 days or more in the preceding 12 months or more than 60 days in a year on work of a seasonal character will not be deemed as carrying out the work of intermittent nature.

III. Definitions:

(I) Appropriate Government means: —

(a) Central Government in relation to: —

- (a) Any establishment pertaining to any industry carried on by or under the authority of the Central Government,
- (b) any controlled industry which may be specified by the Central Government,
- (c) any Railway,
- (d) Cantonment Board,
- (e) Major Port,
- (f) Mine,
- (g) Oilfield,
- (h) any establishment of a banking or
- (i) insurance company.

(b) In relation to any other establishment the Government of the States in which the establishment is situated.

(II) Establishment: Any office or department of the Government or local authority or any place where any industry, trade, business, manufacture or occupation is carried on.

(III) Principal Employer: a) In relation to any office or department of the Government or local authority, the head of the office or department or local authority or any other officer specified in this behalf by the Government or local authority.

b) In the case of a factory the owner or occupier of the factory and the manager appointed under the Factories Act and in the case of mine the owner or an agent of the mine and the manager of the mine.

c) In any other establishment the person who is responsible for supervision and control of the establishment.

(IV) "Contractor": — A person who undertakes to produce a given result for the establishment other than a mere supply of goods or articles of manufacture to such establishment through contract labour or who supplies contract labour for any work of the establishment. A contractor includes a sub-contractor.

(V) "Contract Labour": — A workman shall be deemed to be employed as 'contract Labour' when he is hired for work in an establishment through a contractor with or without the knowledge of the principal employer.

(VI) "Workman": — Any person employed in or in connection with the work of any establishment to do any skilled, semi-skilled or un-skilled manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be express or implied.

A person employed mainly in a managerial or administrative capacity or employed in supervisory capacity and is drawing wages exceeding Rs. 500/- per month or exercising functions mainly of a managerial nature and an out-worker who performs any work on behalf of the principal employer in premises which are not under the control and management of the principal employer, will not be deemed as a workman within the purview of the Act.

IV. Machinery for enforcement of the Act/Rules in Central sphere:

All Assistant Labour Commissioners (Central) have been appointed as Registering and Licensing Officers and all the Regional Labour Commissioner (Central) as Appellate Officers. All the Regional Labour Commissioner (Central), Labour Enforcement Officer (Central) and Junior Labour Inspectors have been appointed as Inspectors.

V. Advisory Board:

The appropriate Government shall constitute the Advisory Board to advise the Government on matters connected with the administration of the Act.

VI. Registration:

Every principal employer of an establishment has to obtain a certificate of registration for his establishment, from the Registering Officer of the area in which his establishment is located, within the prescribed period fixed by the appropriate Government, on payment of the fees specified for the purpose. The certificate of registration can be revoked with previous approval of appropriate Government if it is found that the certificate has been obtained by misrepresentation or suppression of any material fact or if the registration has become useless or ineffective.

VII. Effect of non-registration:

No principal employer of an establishment can employ contract labour if his establishment has not been registered within the period specified by the appropriate Government or after revocation of his registration.

VIII. Prohibition of employment of contract labour:

The appropriate Government may after consultation with the Central Advisory Board or the State Advisory Board as the case may be prohibited by notification in the Official Gazette employment of contract labour in any process, operation or other work in any establishment. Before issuing such notification the appropriate Government shall examine the conditions of work and benefits provided for the contract labour in that establishment and other relevant factors.

IX. Licensing of Contractors:

1. With effect from such date as notified by the appropriate Government, no contractor to whom this Act applies shall undertake or execute any work through contract labour except under and in accordance with a licence issued in that behalf by the Licensing Officer.

2. Every contractor to whom the Act applies has to obtain a licence from the Licensing Officer of the area in which the establishment is located, within the period fixed by the appropriate Government by depositing Rs. 30/- per worker and on payment of the prescribed fee. The certificate of licence inter-alia contains the following information: —

- (1) that licence shall be non-transferable.
- (2) that the maximum number of workmen that can be employed as contract labour in that establishment along with other particulars

such as rates of wages payable, hours of work and other services conditions of the workmen.

- (3) that in an establishment where 20 or more workmen are ordinarily employed as contract labour the contractor shall provide 2 rooms of reasonable dimensions for use as creches and supply toys, games, beddings, and cots, for the use of their children.

The licence is valid for 12 months and on payment of prescribed fees it can be renewed and an application for renewal of licence should be made in not less than thirty days before the date on which the licence issued expires. A licence can be revoked in case it has been obtained through misrepresentation, etc., or if the licensee has failed to comply with the conditions of the licence. An appeal can be filed on such orders by the aggrieved party within 30 days of the order.

X. Welfare and health of contract labour:

It is the responsibility of the contractor to provide canteen, rest shelter, drinking water, latrines, urinals, washing facilities and first aid boxes on the following scales, within the prescribed time limit shown against each of the welfare/health amenities:—

Welfare/ Health amenities	Conditions/Scales	Time limit
Canteen.	Where employment of contract labour is likely to continue for 6 months and the number of contract labour employed is 100 or more, an adequate canteen has to be set up and run as specified in the Rules.	In case of existing establishment, within 60 days from the date the Rules come into force i. e. 10-2-71 and within 60 days of the commencement of the employment of contract labour in case of new establishments.
Rest Room.	Wherever employment of contract labour is likely to continue for 3 months or more and contract labour is required to halt at night, rest rooms are to be maintained in accordance with the Rules.	In case of existing establishments within 15 days from the date the rules come into force i. e. 10-2-71 and within 15 days of the commencement of the employment of contract labour in case of new establishment.
Drinking Water.	Whole some drinking water shall be supplied at convenient places.	In the case of existing establishments, within 7 days of the commencement of the rules i. e. 10-2-71 and in case of new establishments, within 7 days of the commencement of the employment of contract labour.
Washing facilities.	Adequate and suitable facilities for washing facilities be provided as detailed in the Rules.	— do —
Urinals and Latrines.	1. Where females are employed at least one latrine for every 25 females.	

Welfare/ Health amenities	Conditions/Scales	Time limit
	2. Where males are employed at least one latrine for every 26 males. Where the No. of males or females exceeds 100 it will be sufficient if there is one latrine for 25 males or females as the case may be up to the first 100 and one for every 50 thereafter.	— do —
First aid facilities.	First-aid boxes at the rate of not less than one box for every 150 contract labour or part thereof should be maintained and shall be readily accessible during all working hours.	

If the contractor fails to provide the above amenities within the time limit prescribed, then such amenities shall be provided by the principal employer within 60 days in the case of canteen, 15 days in the case of rest room, 7 days in respect of supply of drinking water, provision of latrines and urinals, washing and first-aid facilities of the expiry of the period during which time the contractor was required to provide them.

XI. Payment of Wages:

1) The Contractor shall fix wage periods, not exceeding one month in respect of which shall be paid.

2) Wages are to be paid before the expiry of the 7th day after the last day of the wage period concerned in an establishment where less than one thousand persons are employed and before the expiry of the tenth day where one thousand or more persons are employed.

3) On termination of employment of a worker due wages shall be paid to him before the expiry of second working day from the day of termination of his employment.

4) All payments will be made to workers directly or through other persons authorised by the workers for the purpose, the wages, being paid in current coin or currency or in both and on a working day at the work premises during working hours on dates notified in advance.

5) If the work is completed before the expiry of the wage period, final payment shall be made within 48 hours of the last working day.

6) The wages shall be paid to workers without any deduction except those authorised under the payment of Wages Act, 1936.

7) Payment of wages will be made in the presence of an authorised representative of the Principal employer at the place and time notified for the purpose.

XII. Registers and Records:

i) The principal employer shall maintain a register of contract.

ii) Every contractor shall maintain a register of persons employed by him and also issue an employment card to each worker within three days of his employment. On termination of employment, the contractor shall issue to the workmen a service certificate.

III) The contractor shall maintain the following registers in English or in Hindi.

- a) Muster Roll.
- b) Register of Wages;
- c) Register of Deductions;
- d) Register of Overtime;
- e) Register of fines;
- f) Register of advances;

IV) Every contractor shall display an abstract of the Act and rules in English and Hindi and in the language spoken by the majority of workers.

V) All registers and other records shall be preserved in original for a period of three calendar years from the date of last entry therein. The registers and records maintained under the Act or rules shall be produced on demand before the Inspector or any other authority under the Act or any person authorised in that behalf by the Government.

XIII. Notice:

Notices showing the rates of wages, hours of work wage periods, date of payment of wages, names and addresses of the Inspector having jurisdiction, and date of payment of unpaid wages, shall be displayed in English and in Hindi and in the local language understood by the majority of the workers.

XIV. Returns:

Every contractor shall send half-yearly return in Form XXIV (in duplicate) to the Licensing Officer and every Principal Employer shall send annual return in Form XXV (in duplicate) to the Registering Officer.

Note: Half year means a period of 6 months from 1st January, to 1st July of every year.

The half-yearly return is to be sent not later than 30 days after the close of the half year and the annual return not later than the one to which it relates.

XV. Powers:

The Board Committee, Chief Labour Commissioner (Central) or the Inspector or any other authority under the Act shall have powers to call for any information or statistic in relation to contract labour from any principal employer or contractor at any time by an order in writing.

XVI. Penalties for offences:

I) Any person who obstructs an Inspector in discharge of his duties or refuse of wilfully neglects to afford the inspector any reasonable facility for making any inspection, examination, inquiry or investigation under the Act, shall be punishable with imprisonment up to a period of three months or with fine which may extend up to five hundred rupees or with both. The same punishment will be applicable to any person who wilfully refuses to

produce any required document or any register kept under this Act or prevents or attempts to prevent or does anything which the Inspector has reason to believe is likely to prevent any person appearing before or being examined by him.

II) Any person who contravenes any provisions of this Act or rules prohibiting, restricting or regulating the employment of contract labour or contravenes any condition of a licence granted under this Act shall be punishable with imprisonment up to a period of three months or with fine of one thousand rupees or with both, and in the case of a continuing contravention with an additional fine of Rupees one hundred for every day during which such contravention continues after conviction for the first contravention.

III) Every person who contravenes any of the provisions of the Act or rules for which no other penalty is elsewhere provided shall be punishable with imprisonment up to three months or with fine of one thousand rupees or with both.

XVII. Offences by companies:

If the person committing an offence under this Act and Rules is a company, the company as well as every person incharge of a responsible to the Company for the conduct of its business shall be liable for the proceedings under the Act and the Rules.

XVIII. Powers of Inspectors:

An Inspector under the Act may —

(a) enter, at all reasonable hours, with such assistance as necessary any premises or place where a contract labour is employed, for the purpose of examination of any register of record nor notices required to be kept or exhibited by or under this Act or Rules made thereunder and required the production thereof for inspection.

(b) examine any person whom he finds in any such premises or place and who, he has reasonable cause to believe, is a workman employed therein.

(c) require any person giving out work and any workman, to give any information which is in his power to give with respect to the names and addresses of the persons, to, for and from whom the work is given out or received and with respect to the payments made for the work;

(d) size or take copies of such documents or notices, etc., which he may consider relevant in respect of an offence under this Act.

(e) exercise such other powers as may be prescribed by the Government.

Sd./-

LALFAK ZUALA

Under Secretary to the Govt. of India

File No. 3

Notification

LD/7/73

The following Act passed by the Legislative Assembly of Goa, Daman and Diu received the

assent by the Administrator of Goa, Daman and Diu on 28-3-1973 and is hereby published for general information.

THE GOA, DAMAN AND DIU APPROPRIATION (VOTE ON ACCOUNT) ACT, 1973

(Act No. 7 of 1973) [28th March, 1973]

An Act to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu for the services of a part of the Financial Year 1973-74.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty Fourth Year of the Republic of India as follows:—

1. **Short title.**—This Act may be called the Goa, Daman and Diu Appropriation (Vote on Account) Act, 1973.

2. **Withdrawal of Rupees Five crores, fifty eight lakhs and seventy four thousand from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu for the financial year 1973-74.**—From and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of Rupees five crores, fifty eight lakhs and seventy four thousand towards defraying the several charges which will come in course of payment during the financial year, 1973-74.

3. **Appropriation.**—The sum authorised to be withdrawn from and out of the Consolidated Fund by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE (See Sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Assembly	Charged on the Consolidated Fund of the Union territory of Goa, Daman and Diu	Total
1	2	3	4	5
		Rs.	Rs.	Rs.
1.	Land Revenue ...	1,08,000	—	1,08,000
2.	State Excise Duties	1,80,000	—	1,80,000
3.	Taxes on Vehicles ...	62,000	—	62,000
4.	Sales Tax ...	64,000	—	64,000
5.	Other Taxes and Duties ...	30,000	—	30,000
6.	Stamps ...	5,000	—	5,000
7.	Registration Fees ...	90,000	—	90,000
8.	Legislative Assembly ...	1,10,000	7,000	1,17,000
9.	General Administration ...	9,95,000	55,000	10,50,000
10.	Administration of Justice ...	1,90,000	50,000	2,40,000
11.	Jails ...	1,10,000	—	1,10,000
12.	Police ...	15,00,000	—	15,00,000

1	2	3	4	5
		Rs.	Rs.	Rs.
13.	Miscellaneous Departments ...	1,65,000	—	1,65,000
14.	Scientific and Education Departments ...	72,30,000	—	72,30,000
15.	Medical and Public Health Services ...	43,95,000	—	43,95,000
16.	Agriculture, Forest and Animal Husbandry ...	17,90,000	—	17,90,000
17.	Cooperation and Community Development ...	5,62,000	—	5,62,000
18.	Industries and Labour ...	4,12,000	—	4,12,000
19.	Miscellaneous, Social and Developmental Organisations ...	9,25,000	—	9,25,000
20.	Irrigation, Navigation, Embankment and Drainage Works and Electricity Schemes ...	30,80,000	—	30,80,000
21.	Public Works ...	25,60,000	18,000	25,75,000
22.	Road and Transport Schemes (including Ports and Pilotage) ...	5,20,000	—	5,20,000
23.	Pensions and Other Retirement Benefits ...	6,15,000	—	6,15,000
24.	Stationery and Printing ...	3,35,000	—	3,35,000
25.	Miscellaneous (including Miscellaneous, Compensations and Assignments) ...	9,14,000	—	9,14,000
26.	Capital Outlay on Improvement of Public Health ...	12,50,000	—	12,50,000
27.	Capital Outlay on Schemes of Agricultural Improvement and Research ...	14,75,000	—	14,75,000
28.	Capital Outlay on Industrial and Economic Development ...	4,50,000	—	4,50,000
29.	Capital Outlay on Irrigation and Electricity Schemes ...	74,70,000	—	74,70,000
30.	Capital Outlay on Public Works ...	45,75,000	—	45,75,000
31.	Capital Outlay on Other Works ...	5,50,000	—	5,50,000
32.	Capital Outlay on Road and Transport Schemes (including Ports) ...	15,00,000	—	15,00,000
33.	Capital Outlay on Forests ...	2,30,000	—	2,30,000
34.	Capital Outlay on Schemes of Government Trading	97,50,000	—	97,50,000
35.	Loans and Advances by State and Union Territory Governments ...	15,50,000	—	15,50,000
	Total ...	5,57,47,000	1,27,000	5,58,74,000

AN
ACT

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the Union territory of Goa, Daman and Diu for the services of a part of the Financial Year, 1973-74.

(As passed by the Legislative Assembly
of Goa, Daman and Diu)

Secretariat,
Panaji
29th March, 1973.

B. M. MASURKAR
Secretary to the Government of Goa,
Daman and Diu, Law and Judiciary
Department.

Notification

LD/1180/73

The following notification received from the Govt. of India, Ministry of Home Affairs, New Delhi, is hereby published for general information of the Public.

M. S. Borkar, Under Secretary (Law).
Panaji, 26th March, 1973.

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
PRESIDENT'S SECRETARIAT

New Delhi, the 27th January, 1973

Notification

No. 9-Pres./73 — The President has been pleased to determine the following order of precedence of wearing of the various medals and decorations. The President's Secretariat Notification No. 35-Pres./70, dated the 3rd July, 1970, is hereby cancelled.

1. Bharat Ratna
2. Param Vir Chakra
3. Ashoka Chakra

4. Padma Vibhushan
5. Padma Bhushan
6. Param Vishisht Seva Medal
7. Maha Vir Chakra
8. Kirti Chakra
9. Padma Shri
10. Sarvottam Jeevan Raksha Padak
11. Ati Vishisht Seva Medal
12. Vir Chakra
13. Shaurya Chakra
14. The President's Police and Fire Services Medal for gallantry
15. Sena/Nao Sena/Vayu Sena Medal
16. Vishisht Seva Medal
17. The Police Medal for gallantry
18. Uttam Jeevan Raksha Padak
19. Wound Medal
20. The General Service Medal-1947
21. Samar Seva Star-1965
22. Poorvi Star
23. Paschimi Star
24. Raksha Medal-1965
25. Sangram Medal
26. Sainya Seva Medal
27. Police (Special Duty) Medal-1962
28. Videsh Seva Medal
29. The President's Police and Fire Services Medal for distinguished service
30. The Meritorious Service Medal
31. The Long Service and Good Conduct Medal
32. The Police Medal for meritorious service.
33. Jeevan Raksha Padak
34. The Territorial Army Decoration
35. The Territorial Army Medal
36. The Indian Independence Medal-1947
37. The Independence Medal-1950
38. 25th Independence Anniversary Medal
39. 20 Years Long Service Medal
40. 9 Years Long Service Medal
41. Commonwealth awards
42. Other awards.

Sd/-

P. N. KRISHNA MANI
Joint Secretary to the President.